

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

August 11, 2005

Chairman J. Aslakson called the meeting to order at 4:01 p.m. and roll was taken.

MEMBERS PRESENT: J. Aslakson, B. Turnquist, T. Michalski, T. Johnson, T. Harryman,
L. Spataro, S. Warmington, B. Smith

MEMBERS ABSENT: B. Mazade, excused

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: C. Skoglund, 1791 Peck; J. Thompson, 1693 Jefferson; L. Doctor,
1706 Sanford; K. Farmer, 1668 Jefferson

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of July 14, 2005 was made by T. Johnson, supported by B. Turnquist and unanimously approved.

PUBLIC HEARINGS

S. Warmington arrived at 4:04 p.m.

L. Spataro arrived at 4:05 p.m.

Hearing; Case 2005-23: Request to rezone the properties located at 137 and 109 E. Laketon Avenue from R-1, One Family Residential to B-2, Convenience and Comparison Business, by James Anthony. TABLED FROM JULY MEETING. L. Anguilm presented the staff report. These two parcels contain two commercial buildings. The building at 137 E. Laketon Avenue houses Lakeshore Rehabilitation Center. The building at 109 E. Laketon Avenue has been rehabilitated to have housing on the second floor and a commercial space on the first floor. It appears from City records that these properties were previously zoned B-1, which allowed commercial use of the properties. Records aren't clear as to when it was zoned R-1, but the properties then held legal nonconforming status. An attempt was made in 1993 to rezone the properties to B-4, General Business, but the request was denied by the City Commission. The first floor of 109 E. Laketon Avenue lost its nonconforming status for commercial use when it was used entirely for residential for several years. The applicant wishes to again establish a commercial use in the lower level of the property. The rezoning of 137 E. Laketon Avenue would bring this property into compliance with the proper zoning. The property to the north, which includes the Hackley Hospital campus is zoned MC, Medical Care. The properties to the east and south are zoned R-1, One Family Residential,

and the property to the west is March Field, zoned OSR, Open Space Recreation. At one time the Larch Court apartments were located directly across Laketon Avenue to the north. This complex contained several multi-family units. Staff has not received any comments regarding this request.

The Master Plan's Future Land Use Map shows the area where these sites are located to be R-1. It would be impossible for the Master Land Use Plan to address every parcel in the City, and perhaps these two sites were overlooked in the planning process. The Master Plan does recommend the following: "Implement, through zoning, buffer requirements associated with the placement of non-residential uses contiguous to residential development." A fence is used to screen between the two parcels and the residential neighborhood behind them. Rezoning of these properties would provide a buffer between the Hackley Hospital campus and the residential neighborhood. There are small commercial areas to the east, beyond Moon School (B-4 & B-2), and to the west on the other side of March Field (B-4). Since both buildings are of a commercial design, and residential would be incorporated into the second floor of the building at 109 E. Laketon, a commercial zoning seems to make sense. Staff recommends approval of the request to rezone the subject properties from R-1 to B-2 because the request conforms to the goals and recommendations of the 1997 Master Plan.

A motion to close the public hearing was made by S. Warmington, supported by T. Harryman and unanimously approved.

A motion to recommend that the City Commission approve the request to rezone the properties located 137 and 109 E. Laketon Avenue from R-1, One Family Residential district to B-2, Convenience and Comparison district, was made by S. Warmington, supported by T. Harryman and unanimously approved.

B. Smith arrived at 4:07 p.m.

Hearing; Case 2005-27: Request for a special land use permit, per Section 701 (2.) of Article VII, of the zoning ordinance, to allow administrative offices in an RM-1 Low Density Multiple-Family Residential zoning district at 1705 Peck Street, the Muskegon Rescue Mission. L. Anguilm presented the staff report. The subject property is the site of a large residential home located adjacent to the present Muskegon Rescue Mission building at 1691 Peck Street. The property is located in a strip of RM-1 zoning along Peck Street that extends to the north. Directly to the east is Hackley Hospital, zoned MC, Medical Care. To the south, Larch Street is zoned B-4, General Business, and to the west is zoned R-1, One Family Residential. Parking could be continued on the present Muskegon Rescue Mission site, with some parking available in the driveway of the proposed new office building. The proposed use is for administrative offices only, and no other uses would be permitted as part of the building except those allowed in a RM-1 zoning district. The Muskegon Rescue Mission's purpose in moving their administrative offices to this building is to free up space within their present building for programs associated with their mission. The 1997 Master Plan Future Land Use Map identified Peck Street as "Mixed Residential and Service Area". Based on compliance with the 1997 Master Plan, staff recommends approval of the request, subject to the conditions that 1) all parking must be on the present Muskegon Rescue Mission site or in the driveway of 1705 Peck Street, 2) only uses permitted in the RM-1 zoning district will be allowed as additional uses, 3) signs must comply with those set forth for the residential zoning district, 4) the owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 5) the Special Land Use Permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1-4, and 6) the Special Land Use Permit document shall be recorded with the register of

deeds prior to occupying the building. Staff received two phone calls opposing this request. Mr. & Mrs. Doctor were concerned with the noise from people at the mission and feared this may lower the property values of the homes in the area.

L. Spataro asked if it was possible under the current zoning to expand the occupancy where the Mission is presently located. L. Anguilm stated that the zoning ordinance didn't address the specific number of people allowed to live in a residence. She believed the additional space in the building would be used for programs, not living area. C. Skoglund explained the mission of the Rescue Mission. They need more space for their children's ministries and activities. B. Smith asked if there would be additional beds added. C. Skoglund stated there would be 4 to 5 rooms opened up if they could move their offices and the rooms would be used for activities, not bed space. T. Harryman asked about capacity and how many people at the Mission were from Muskegon. C. Skoglund estimated that 55 beds out of 56 were occupied at this time, and that 90-95% were Muskegon County residents. T. Harryman asked if the Mission paid property taxes. C. Skoglund stated they did not. T. Johnson asked if there would be any pressure to put in more beds. C. Skoglund stated there wouldn't be, since there is no staffing on the first floor at night. T. Johnson asked who occupied the house next door. C. Skoglund stated that a woman who lived in Florida owned it and that it's been vacant for over a year. T. Harryman asked if the Mission had purchased the property. C. Skoglund stated that they had made an offer, contingent on being able to use the home for their offices. T. Harryman asked about the occupancy at the men's mission and asked if it was possible to use that facility for office space. C. Skoglund stated the occupancy was low right now, but it was not feasible to add office space there because the building was too old and difficult to rehab.

J. Thompson stated that he supported the Mission but was opposed to this request. He did not want to see a beautiful old home divided up into offices. He didn't feel it was a good fit for the neighborhood and thought it would add to the congestion in the area. He also felt that expansion of the Mission would add to the problems of transients in the area, men hanging around the facility, and other undesirable events. He stated that an employee of the Mission told him that about 30% of the residents were from outside the Muskegon area. L. Doctor lives next door to the Mission and shared the concerns of Mr. Thompson. He stated that people from the Mission have come to his door asking to use the phone and for cab fare, and he hears constant noise from the Mission. He was concerned that expansion would add to these problems and could lower property values. He asked what recourse there was to ensure that the Mission did not add more beds. L. Anguilm stated the Zoning Administrator could inspect the facility at any time. K. Farmer stated that the city would lose tax dollars if the Mission purchased this house, and felt that expansion of the Mission would be a detriment to the quality of life for the area residents.

A motion to close the public hearing was made by T. Johnson, supported by L. Spataro and unanimously approved.

A motion to approve the request for a special land use permit to allow administrative offices in an RM-1 Low Density Multiple-Family Residential zoning district at 1705 Peck Street, with the conditions that 1) all parking must be on the present Muskegon Rescue Mission site or in the driveway of 1705 Peck Street, 2) only uses permitted in the RM-1 zoning district will be allowed as additional uses, 3) signs must comply with those set forth for the residential zoning district, 4) the owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 5) the special land use permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of

conditions 1-4, and 6) the Special Land Use permit document shall be recorded with the register of deeds prior to occupying the building, was made by T. Johnson and supported by B. Smith with discussion continuing on the motion.

L. Spataro stated that he was opposed to the request for two reasons. The house in question is a single-family residence in great shape. He did not want to see another old home chopped up for commercial use. He had not seen any For Sale sign at the place, and felt that someone would buy it if it were offered. He also felt that the city's core neighborhoods carried a disproportionately large social service load, and that this raised quality of life issues. He didn't feel that the Rescue Mission should expand in the current location. T. Harryman stated he did not support the request. The house in question is one of the few remaining residences on this block and he did not want to see another older home divided up for commercial use. He felt there were more appropriate buildings for office space. T. Johnson stated that most objections seemed to be toward the Rescue Mission and not for this building. He stated the home could be divided into apartments even without the SUP because it is in a RM-1 district. He felt that given the uses allowed in RM-1 districts, the request should be approved. S. Warmington asked what the plans were for the inside of the structure if the SUP was granted. C. Skoglund stated they would try to keep the interior as original as possible, but that one bathroom would need to be enlarged to make it handicapped-accessible. The current kitchen would be made into an office, but there were not enough funds for any large-scale changes. L. Spataro felt that if changes were made to turn the house into a commercial building, it would be cost-prohibitive if a future owner wanted to revert to a single-family use. T. Harryman stated that his main concern was losing another single family residence.

Roll call was taken on the above motion with B. Turnquist, T. Johnson, S. Warmington, and B. Smith voting in favor of the request, and J. Aslakson, T. Michalski, T. Harryman, and L. Spataro voting nay. Motion failed due to a tie vote.

Hearing; Case 2005-28: Staff-initiated request to amend Section 2334 (Signs, #5), Article XXIII (General Provisions) of the zoning ordinance, to amend the language on Exempt Signs to allow one additional flag per premise. L. Anguilm presented the staff report. Staff believes that this was inadvertently omitted when the banner language was put in place a couple of years ago. Due to the large number of requests from businesses to fly flags with company logos or names, it seems appropriate to add it back to the ordinance under "Exempt Signs". Re-lettering will be necessary to place it in the appropriate order on the list.

S. Warmington left at 4:43 p.m. to assist a citizen in the hallway outside the Commission Chambers.

A motion to close the public hearing was made by T. Harryman, supported by L. Spataro and unanimously approved.

A motion to recommend approval to the City Commission of the request to amend Section 2334 (Signs, #5), Article XXIII (General Provisions) of the zoning ordinance, to amend the language on Exempt Signs to allow one additional flag per premise, was made by T. Johnson, supported by T. Michalski, and unanimously approved.

S. Warmington returned at 4:46 p.m.

Hearing; Case 2005-29: Staff-initiated request to amend Section 2331 (Landscaping, Fencing, Walls, Screens and Lighting, #16), Article XXIII (General Provisions) of the zoning ordinance, to add corner clearance requirements for driveways. L. Anguilm presented the staff report. Present corner clearance ordinance language refers only to intersections when requiring clear vision regarding landscaping, fences, wall, screens, etc. Several situations have come up in recent months where this language was applied to require removal of objects blocking clear vision. Staff would like the ordinance language to clearly state that this also applies to driveways as well as intersections, for safety reasons.

J. Aslakson asked how this would affect a driveway where it meets the street. L. Anguilm gave an example of realtor signs or branches that could block the view of someone pulling out of a driveway. She stated there must be unobstructed vision between 3 and 10 feet.

A motion to close the public hearing was made by L. Spataro, supported by T. Johnson and unanimously approved.

A motion to recommend approval to the City Commission of the request to amend Section 2331 (Landscaping, Fencing, Walls, Screens and Lighting, #16), Article XXIII (General Provisions) of the zoning ordinance, to add corner clearance requirements for driveways, was made by L. Spataro, supported by T. Harryman and unanimously approved.

OLD BUSINESS

None

NEW BUSINESS

None

OTHER

2005 – 2006 Work Plan Since B. Mazade was not present, members decided to delay discussion of this topic until the next meeting.

There being no further business, the meeting was adjourned at 4:52 p.m.

8/11/05
dml